

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

v.

ANITA M. GUST,  
Defendant.

NO. CR-10-6026-RHW-2

ORDER REGARDING SCHEDULE  
FOR GUIDELINE SENTENCING

On November 2, 2010, Defendant, accompanied by her attorney, Salvador Mendoza appeared and pleaded guilty in this matter. The Government was represented by Jill Bolton, Assistant United States Attorney.

**IT IS ORDERED** that the date of the sentencing is **February 9, 2011**, at 11:00 a.m. in Richland, Washington. **If a sentence of incarceration is imposed, the Defendant shall be placed in custody at the time of sentencing.** Pending sentencing, Defendant shall be released pursuant to this court's previous order. The United States Probation Office shall prepare a timely presentence investigation report that will comply with the following schedule:

1. On or before December 30, 2010, the probation officer shall disclose the presentence investigation report to the Defendant, counsel for Defendant, and the Government.

On or before January 10, 2011, counsel shall communicate in writing to the probation office any objections they may have as to factual errors or omissions; sentencing classifications; sentencing guideline ranges; and policy statements

1 contained in or omitted from the report. Such communication may be oral initially  
2 but shall immediately be confirmed in writing to the probation officer and  
3 opposing counsel.

4 On or before January 10, 2011, counsel shall file and serve all motions and  
5 memoranda pertaining to Defendant's sentence, including objections and motions  
6 for downward or upward departures. Responses to such motions shall be filed and  
7 served on or before January 20, 2011. **Any request with regard to self-reporting**  
8 **shall be made to the probation office at the same time any objections/motions**  
9 **are filed.**

10 2. After receiving counsel's objections, the probation officer shall conduct  
11 any further investigation and make any revisions to the presentence report that may  
12 be necessary. The probation officer may require counsel for both parties to meet  
13 with the officer to discuss unresolved factual and legal issues, and counsel shall  
14 make themselves available for that purpose.

15 3. On or before February 1, 2011, the probation officer shall submit the  
16 presentence report to the sentencing judge. The report shall be accompanied by an  
17 addendum setting forth any objections counsel may have made, including those  
18 that have not been resolved, together with the officer's comments and  
19 recommendations thereon. The probation officer shall certify that the contents of  
20 the report, other than sentencing recommendations, including any revisions or  
21 addenda, have been disclosed to counsel for Defendant and the Government, and  
22 that the addendum fairly states any remaining objections.

23 4. Except with regard to any written objection made under subdivision (a),  
24 the report of the presentence investigation and computations shall be accepted by  
25 the court as accurate. For good cause shown, however, the Court may allow a new  
26 objection to be raised at any time before the imposition of sentence. In resolving  
27 disputed issues of fact, the court may consider any reliable information presented  
28 by the probation officer, Defendant or the Government.

1 5. Nothing in this rule requires the disclosure of any portions of the  
2 presentence report that are not disclosable under Rule 32 of the Federal Rules of  
3 Criminal Procedure.

4 6. The presentence report shall be deemed to have been disclosed (1) when  
5 a copy of the report is physically delivered; or (2) one day after the availability of  
6 the report for inspection is orally communicated; or (3) three days after a copy of  
7 the report, or notice of its availability is mailed to counsel, whichever date is  
8 earlier.

9 The District Court Executive is directed to enter this order and provide  
10 copies to counsel, as well as the U.S. Probation Office.

11 **DATED** this 10<sup>th</sup> day of November, 2010.

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14 s/Robert H. Whaley  
15 ROBERT H. WHALEY  
16 United States District Judge  
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